

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**TANYA ASAPANSA-JOHNSON WALKER,  
and**

**CECILIA GENTILI,**

*Plaintiffs,*

v.

**ALEX M. AZAR II, in his official capacity as  
the Secretary of the United States  
Department of Health and Human Services,  
and**

**UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,**

*Defendants.*

CIVIL ACTION NO. 20-cv-02834-FB-SMG

**ORDER TO SHOW CAUSE REGARDING  
ISSUANCE OF A PRELIMINARY  
INJUNCTION AND SETTING  
EXPEDITED BRIEFING AND  
HEARING SCHEDULE**

This matter comes before the Court upon consideration of Plaintiffs’ order to show cause regarding issuance of an expedited schedule to brief and hear Plaintiffs’ motion for a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, prohibiting and enjoining Defendants Alex M. Azar II, in his official capacity as the Secretary of the United States Department of Health and Human Services, and the United States Department of Health and Human Services, and all of their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them, from implementing, enforcing, threatening to enforce, or otherwise applying the provisions of the rule entitled “Nondiscrimination in Health and Health Education Programs or Activities, Delegation of Authority,” 85 Fed. Reg. 37160 (June 19, 2020) (the “2020 Rule”). The allegations supporting the order to show cause are set forth in the Complaint, the exhibits to the Complaint including Plaintiffs’ Declarations, the Memorandum in Support of Plaintiffs’ Expedited Motion for a

Preliminary Injunction, and the Declaration of Jason E. Starr, sworn to on July 14, 2020, and shall not be repeated here.

Plaintiffs are HEREBY ORDERED to serve a copy of this Order, the Complaint, the exhibits, the Memorandum in Support of Plaintiffs' Expedited Motion for a Preliminary Injunction, Plaintiffs' Order to Show Cause Regarding Issuance of a Preliminary Injunction and Setting Expedited Briefing and Hearing Schedule, and supporting papers on Defendants **by overnight mail by no later than 5:00 p.m. on Wednesday, July 15, 2020** (if not already served). Plaintiffs must file a proof of service **by no later than 6:00 p.m. on Wednesday, July 15, 2020**.

IT IS FURTHER ORDERED that counsel for Defendants shall file a proper Notice of Appearance with the Court immediately upon accepting this matter and otherwise comply with the Court's ECF requirements.

IT IS FURTHER ORDERED that Defendants shall file and serve any opposition paper to Plaintiffs' Expedited Motion for a Preliminary Injunction **by 11:59 p.m. on Tuesday, July 28, 2020**, and that Plaintiffs may file and serve a reply **by 11:59 p.m. on Tuesday, August 4, 2020**.

IT IS FURTHER ORDERED that a hearing on Plaintiffs' Expedited Motion for a Preliminary Injunction shall be heard by the Court via videoconference on August \_\_, 2020, at \_\_\_\_\_.m.

The Court has set this schedule in light of the fact that the 2020 Rule goes into effect on August 18, 2020. The Court, however, is amenable to any stipulations or requests to modify this briefing schedule and hearing date. Thus, if any of the parties wishes to modify this briefing schedule or the hearing date, they may submit such a request to the Court demonstrating good cause for such modification.

**IT IS SO ORDERED.**

Date: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE FREDERIC BLOCK  
United States District Court Judge

Prepared and submitted by:

Dated: July 14, 2020

/s/ Jason E. Starr

Jason E. Starr  
(New York Bar No. 5005194)

*jason.starr@hrc.org*

Sarah Warbelow\*\*

*sarah.warbelow@hrc.org*

Alphonso B. David  
(New York Bar No. 4056230)

*alphonso.david@hrc.org*

**THE HUMAN RIGHTS CAMPAIGN**

1640 Rhode Island Ave, NW

Washington, DC 20036-3278

Telephone: (202) 628-4160

Facsimile: (202) 347-5323

*Counsel for Plaintiffs*

*Tanya Asapansa-Johnson Walker*

*and Cecilia Gentili*

*\* Application for admission to the U.S. District  
Court for the Eastern District of New York  
forthcoming*

*\*\* Motion for pro hac vice admission  
forthcoming*

Edward J. Jacobs  
(New York Bar No. 4168126)

*ejacobs@bakerlaw.com*

Kathryn M. Zunno-Freaney

(New York Bar No. 4572004)

*kzunno@bakerlaw.com*

Michael A. Sabella

(New York Bar No. 4555504)

*msabella@bakerlaw.com*

Audrey van Duyn\*

(New York Bar No. 5762521)

*avanduynd@bakerlaw.com*

**BAKER & HOSTETLER LLP**

45 Rockefeller Plaza

New York, New York 10111-0100

Telephone: (212) 589-4200

Facsimile: (212) 589-4201

Joshua D. Rovenger\*\*

*jrovenger@bakerlaw.com*

Alyssa M. Daniels\*\*

*adaniels@bakerlaw.com*

**BAKER & HOSTETLER LLP**

Key Tower, 127 Public Square,  
Suite 2000

Cleveland, OH 44114-1214

Telephone: (216) 621-0200

Facsimile: (216) 696-0740

Katrina M. Quicker\*\*

*kquicker@bakerlaw.com*

Ryan E. Harbin\*\*

*rharbin@bakerlaw.com*

**BAKER & HOSTETLER LLP**

1170 Peachtree Street, NE, Suite 2400

Atlanta, GA 30309-7676

Telephone: (404) 459-0050

Facsimile: (404) 459-5734

*Counsel for Plaintiffs*

*Tanya Asapansa-Johnson Walker*

*and Cecilia Gentili*